IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19872 of 2004

Between:

M/s.Prasad Media Corporation Ltd., NTR Gardens, Hyderabad. rep.by its General Manger (Operations), Ralph Sunil.

..... PETITIONER

AND

1 Commercial Tax officer, Basheerbagh Circle, Hyderabad.
2 Appellate Deputy Commissioner (CT), Secunderabad

Division, Hyderabad.
3 Additional Commissioner (CT) (L), Andhr Pradesh,

Hyderabad.
4 Branch Manager, UCO Bank, Banjara Hills, Hyderabad

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of writ of Mandamus granting stay of collection of the disputed tax of Rs.5,34,027/- pursuant to the stay rejection orders of the second and third respondents pending disposal of the appeals before the second respondent.

Counsel for the Petitioner: MR.SKRISHNA MURTHY

Counsel for the Respondents 1 to 3: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following :

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ORDER: (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeals, applications for stay were dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeals, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner, within a period of six weeks from today. The amount, if any, deposited by the petitioner shall be given credit to. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeals, provided the amount is deposited within six weeks. The Garnishee notice, dated 26.10.2004 is also stayed. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeals.

Writ Petition is disposed of accordingly. No order as to costs costs.

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(BILAL NAZKI,J)

Dated:02.11.2004

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(S.ANANDA REDDY,J)

Note: Opeative portion by wire

at party's cost.

(B/o.)

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To

1 The Commercial Tax officer, Basheerbagh Circle, Hyderabad.
2 The Appellate Deputy Commissioner (CT), Secunderabad

Division, Hyderabad.
3 The Additional Commissioner (CT) (L), Andhr Pradesh,

Hyderabad.
4 The Branch Manager, UCO Bank, Banjara Hills, Hyderabad

5 2 CCs to the G.P. for Commercial Taxes, High Court

Buildings, High Court of A.P. Hyderabad (OUT)

6 2 CD copies.